

### **REMARKS**

In the July 11, 2008 Office Action, all of pending claims 1-4 and 6-10 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

None of the claims are being amended by the current Amendment. Thus, claims 1-4 and 6-10 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Rejections - 35 U.S.C. § 102***

In paragraphs 3 and 4 of the Office Action, claims 1-4, 6 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,925,832 (Kitaura et al.). In response, Applicant respectfully traverses this rejection.

In particular, independent claim 1 requires, *inter alia*, a compression mechanism including a cylinder having a cylinder chamber, a piston disposed in the cylinder chamber to be eccentric with respect to the cylinder, and a blade arranged in the cylinder chamber and dividing the cylinder chamber into a high pressure chamber and a low pressure chamber; a low pressure space communicating with a suction port of the compression mechanism and a high pressure space communicating with a discharge side of the compression mechanism, an outer peripheral face of the compression mechanism being surrounded by the low pressure space, the casing having a suction pipe fluidly connected to the low pressure space of the casing and a discharge pipe connected to a high pressure space side thereof, and the compression mechanism being provided with a discharge space formed between a housing of the compression mechanism and a cover plate, a discharge port passing through the housing to communicate the high pressure chamber with the discharge space, and a discharge passage configured to allow the discharge space to communicate with the high pressure space, the entire discharge passage passing through the housing. Clearly, this structure is *not* disclosed or suggested by Kitaura et al. or any other prior art of record.

Kitaura et al. relates to a scroll compressor. Accordingly, space around the entire circumference of a compression chamber is the suction side and the space is filled with a low

pressure refrigerant. According to Kitaura et al., a discharge passageway is provided on the circumferential side of the compression chamber. In contrast, the present invention relates to a compressor in which a blade is arranged in a cylinder chamber to section the cylinder chamber into a high pressure chamber and a low pressure chamber. Thus, a discharge passage can be provided in the high pressure side of the cylinder. This is not taught by Kitaura et al. With the discharge passage provided in the high pressure side of the cylinder, the discharge passage is kept away from the the low pressure side. Accordingly, superheat of the suction gas is less likely to occur. This is the effect of the presently claimed invention, which would not have been anticipated by Kitaura et al.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 1 is not anticipated by the Kitaura et al.. Accordingly, withdrawal of this rejection of claim 1 is respectfully requested.

Moreover, Applicant believes that dependent claims 2-4, 6 and 10 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, dependent claims 2-4, 6 and 10 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

### ***Rejections - 35 U.S.C. § 103***

In paragraphs 6-8 of the Office Action, claims 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Kitaura et al. in view of U.S. Patent No. 3,125,031 (Rydberg et al.). In response, Applicants respectfully traverse this rejection.

Rydberg et al. do not account for the deficiencies of Kitaura et al. as applied to independent claim 1. The Office Action relies on the Rydberg et al. patent to teach features related to a blade, the manner in which the blade is coupled to a piston and the manner in which the piston is driven by the motor. However, the Rydberg et al. patent fails to disclose or suggest a suction pipe fluidly connected to such a low pressure space, and a discharge passage as set forth in independent claim 1. Rather, Rydberg et al. teach a suction pipe directly coupled to the suction port of the compression mechanism just like Kitaura et al.

Based on the above, even if the Rydberg et al. patent were somehow combined with the Kitaura et al. patent as suggested in the Office Action, such a hypothetical combination would fail to disclose or suggest all of the features of independent claim 1. Accordingly, withdrawal of this rejection of claims 7-9, which depend from independent claim 1, is respectfully requested.

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In view of the foregoing comments, Applicant respectfully asserts that claims 1-4 and 6-10 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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